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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,181	02/22/2002	Armand Nachef	T2146-907758	7549

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/069,181	Applicant(s) NACHEF, ARMAND	
	Examiner Sam Bhattacharya	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,12,13,15-17,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,12,13,15-17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/07 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, 12, 13, 15-17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter (US 6,859,650) in view of Wagner (US 6,684,269).

Regarding claims 1 and 9, Ritter discloses a method for processing digital data in a mobile telephone network including a mobile unit 1 operatively connected to a smart card 2 having an embedded chip, the embedded chip having an information processor and a data storage unit, the data storage unit including a reporter-type application program and a slave-type application program, the method including receiving, in the reporter-type application in the smart card, an event sent from a mobile unit; and delegating, in response to receiving the event, execution of a smart-card operation to an additional application program stored in a data storage

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unit of the remote server, the additional application program being a master-type application program. See FIG. 1, col. 3, lines 40-46 and col. 5, lines 57-64.

Ritter fails to disclose receiving, by the slave-type application program, commands from the master-type application program; executing the commands using the information processor of the embedded chip of the smart card; and retransmitting results of the executing commands to the master-type application program.

However, in an analogous art, Wagner discloses a system for enabling transactions between a web server 12 and a smart card, including receiving, by the slave-type application program (in the smart card), commands from the master-type application program; executing the commands using the information processor of an embedded chip of the smart card; and retransmitting results of the executing commands to a master-type application program (in the web server). See FIG. 1 and col. 20, lines 17-54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for processing digital data in Ritter by incorporating these features taught by Wagner for the purpose of allowing a user to enter account numbers and the like through a smart card from information sent over the internet.

Regarding claim 2, Ritter discloses that the data storage unit of the smart card stores at least one program which controls the mobile unit by sending commands and for reacting to events sent from the mobile unit, the program executing instructions associated with the events, in order to perform functionalities associated with at least one predetermined application. See col. 6, lines 32-41.

Regarding claims 3 and 16, Ritter discloses that the reporter-type application program retransmits to a remote server a data characteristic of the event received from the mobile unit, the additional application program in the remote server executes, upon reception of the data characteristic, at least one of the instructions associated with the at least one predetermined application, and retransmits results of the execution to the mobile unit to the embedded chip in the smart card. See col. 5, line 64 – col. 6, line 3.

Regarding claims 4, 17 and 21, Wagner further discloses that the embedded chip is under the control of an operating system, and the remote server transmits the execution results, including commands to the operating system of the embedded chip, to perform a given operation, and results of the operation are retransmitted to the remote server. See FIG. 1 and col. 20, lines 17-54. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for processing digital data in Ritter by incorporating these additional features taught by Wagner for the purpose of allowing a user to perform monetary transactions and the like through a smart card from information sent over the internet.

Regarding claims 6, 13 and 20, Ritter discloses that at least one of the reporter-type application program and the slave-type application program is an autonomous-type application program which directly executes a pre-established part of the at least one predetermined application in the embedded chip of the smart card. See col. 4, lines 18-37.

Regarding claim 7, Ritter discloses that the mobile telephone network complies with a GSM standard, and wherein the reporter-type application program complies with a GSM 11.14 standard. See col. 3, line 53 – col. 4, line 2.

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Regarding claim 8, Ritter discloses that the telephone network includes at least two distinct transmission channels, one being a voice data channel and another being a message channel, and wherein the transmitted digital data is transmitted through the message channel. See col. 5, line 36-50.

Regarding claims 12 and 15, Ritter discloses that the smart card is a SIM type card. See col. 3, lines 47-61.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb


GEORGE ENG
SUPERVISORY PATENT EXAMINER